

## **Data Protection and Coronavirus – Updates from the Information Commissioner’s Office (ICO)**

### **15 April 2020 – Update from the ICO on its regulatory policy during the COVID 19 pandemic.**

The ICO has published a [statement](#) outlining how it will fulfil its regulatory obligations during the COVID 19 pandemic.

As in its previous statements the Commissioner confirms that she favours a proportionate response but will not allow the unscrupulous to use the current emergency to circumvent the data protection regime. Those making nuisance calls, for example, will be dealt with firmly. Clearly the ICO’s expectation is that it is business as usual, but they do recognise that there may be some occasions when they need to be a little more understanding.

In particular the ICO will be understanding if an organisation cannot meet statutory deadlines with regard to Data Subject Access Requests provided they are trying to respond to the request. They will consider the impact of the pandemic on an organisation when issuing fines and penalties and will be sympathetic to those who are late in paying the data protection fee, provided the organisation concerned agrees a timescale for payment.

The full document *The ICO’s regulatory approach during the coronavirus public health emergency* is available [here](#).

The ICO’s coronavirus hub with more advice and details of how to contact them is available [here](#).

Further ICAEW guidance on how to manage data protection and privacy during the pandemic is available [here](#)

### **18 March 2020 – Preliminary guidance from the ICO**

The ICO has issued guidance on some of the implications of the Coronavirus pandemic on data protection for data controllers. In a blog (see [here](#)) the ICO confirmed that it favours a proportionate response, but data protection and privacy are still important. The ICO has also provided answers to a number of questions raised by data controllers such as whether disclosing the name of an employee who has tested positive for COVID19 is permissible under GDPR, how to maintain data security when more people are working from home or how respond to a data subject access within the statutory time frame when staff numbers are reduced.

The ICO has also published guidance for [health professionals](#) on what they can and cannot do, for [individuals](#) on their rights and for public authorities on responding to [Freedom of Information](#) requests.

We expect the ICO to issue more guidance so it is worthwhile checking on their [website](#) regularly and we will be updating ICAEW’s [Coronavirus Hub](#) .

In the meantime if you have any other questions call the ICO on 0303 123 1113 or [email](#) them